

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN ASSEMBLY JUNE 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 44

Introduced by Assembly Member Bloom

(Coauthors: Assembly Members Achadjian, Alejo, Atkins, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chávez, Chesbro, Cooley, Daly, Dickinson, Eggman, Fong, Fox, Frazier, Garcia, Gatto, Gonzalez, Gordon, Hall, Roger Hernández, Holden, Jones-Sawyer, Levine, Logue, Lowenthal, Maienschein, Medina, Mullin, Muratsuchi, Nazarian, Nestande, Pan, John A. Pérez, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Ridley-Thomas, Rodriguez, Skinner, Stone, Ting, Weber, Wieckowski, Wilk, Williams, and Yamada)

April 10, 2014

Assembly Joint Resolution No. 44—Relative to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AJR 44, as amended, Bloom. Veterans' benefits.

This measure would urge the Department of Defense, Congress, and the President to create a more efficient process of upgrading the status of those who were “dishonorably” or other than honorably discharged from the Armed Forces of the United States, and to provide benefits, including applicable spousal benefits, to those veterans discharged solely on the basis of their sexual orientation.

Fiscal committee: no.

1 WHEREAS, In 1993, Congress adopted a policy known as Don't
2 Ask, Don't Tell (DADT), prohibiting service personnel from
3 inquiring, or volunteering information, about their sexual
4 orientation. Prior to 1993, federal law and military regulations
5 prohibited homosexuality in the Armed Forces of the United States;
6 and

7 WHEREAS, From 1980 until the repeal of DADT in 2011, over
8 32,000 service personnel were separated from the Armed Forces
9 of the United States under DADT and its predecessor policies; and

10 WHEREAS, More than 13,000 service personnel were separated
11 from the Armed Forces of the United States after the adoption of
12 DADT. Approximately one-quarter of these discharges occurred
13 during the service member's first four months of service; and

14 WHEREAS, California law prohibits discrimination on the basis
15 of race, national origin, ethnic group identification, religion, age,
16 sex, sexual orientation, color, genetic information, or disability;
17 and

18 WHEREAS, Generally, veterans separated from the military
19 with a discharge that is characterized as "dishonorable" or "other
20 than honorable" are ineligible to receive federal or state veterans'
21 benefits, including applicable spousal benefits; and

22 WHEREAS, Section 711.1 of the Military and Veterans Code
23 assists veterans by requiring the Department of Veterans Affairs
24 to provide Internet resources, Internet links, and printed materials
25 regarding, or created by, veterans' legal services organizations
26 that specialize in military discharge upgrades, or links to Internet
27 resources that provide information and printed resources provided
28 by veterans' legal services organizations. It also provides that if
29 the federal government acts to provide benefits to discharged
30 veterans who were denied those benefits solely on the basis of
31 sexual orientation pursuant to any federal policy prohibiting
32 homosexual personnel from serving in the Armed Forces of the
33 United States, the state shall provide to those veterans any
34 state-offered benefits; and

35 WHEREAS, We must work to ensure that California veterans
36 who were discharged solely on the basis of their sexual orientation
37 can access benefits regardless of the classification of their
38 discharge; now, therefore, be it

39 *Resolved by the Assembly and the Senate of the State of*
40 *California, jointly,* That the Legislature urges the Department of

1 Defense, Congress, and the President to create a more efficient
2 process of upgrading the status of those who were “dishonorably”
3 or other than honorably discharged from the Armed Forces of the
4 United States, and to provide benefits, including applicable spousal
5 benefits, to those veterans discharged solely on the basis of their
6 sexual orientation; and be it further

7 *Resolved*, That the Chief Clerk of the Assembly transmit copies
8 of this resolution to the President and Vice President of the United
9 States, to the Speaker of the House of Representatives, to the
10 Majority Leader of the Senate, to each Senator and Representative
11 from California in the Congress of the United States, and to the
12 Department of Defense.

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